Office - Supreme Court, U. S.
FILED
OCT 29 1945
CHARLES ELMORE CROPLEY
CLERK

Supreme Court of the United States

OCTOBER TERM, 1945

No. 212

A. S. GENECOV,

Petitioner,

v.

STATE OF TEXAS AND R. A. SCHMID, SHERIFF,
Dallas County.

PETITION FOR REHEARING

GABRIEL HAWKINS GOLDEN,

JOEL MANUEL HOPPENSTEIN,
Counsel for Petitioner.

WARLICK LAW PRINTING CO., INC.—*Law Brief Printing*—Dallas, Texas—Central-4091

Supreme Court of the United States
OCTOBER TERM, 1945

No. 212

A. S. GENECOV,

Petitioner,

v.

STATE OF TEXAS AND R. A. SCHMID, SHERIFF, Dallas County.

PETITION FOR REHEARING

To the Honorable Supreme Court of the United States:

Petitioner, A. S. Genecov, respectfully prays for a rehearing and reversal of the order heretofore entered on the 8th day of October, 1945, denying its petition for a writ of certiorari to the Supreme Court of Texas, and in support thereof respectfully shows:

1.

Petitioner has been denied due process of law in violation of the 14th Amendment of the Constitution of the United States in that he has been ordered incarcerated for a period of thirty days and thereby deprived of his liberty in a proceeding for criminal contempt in which the record contains no evidence whatsoever, which is violative of the

principles of due process of law established in the case of *Gomper's v. Buck's Stove & Range Co.*, 221 U. S. 418, 55 L. Ed. 797, requiring proof of guilt beyond a reasonable doubt, and the decision of the Supreme Court of Texas herein sought to be reversed is in direct conflict with the decision of the Supreme Court of the United States.

2.

Contempt proceedings being criminal in their nature, the evidence to support a conviction for contempt must establish guilt beyond a reasonable doubt and petitioner has been deprived of due process by the Supreme Court of Texas by its refusing to consider the record to determine if there is any evidence to support his conviction, petitioner sincerely and earnestly contending that there is absolutely no evidence whatsoever to support the conviction and, on the contrary, that the record conclusively establishes his complete innocence.

3.

Petitioner has been denied the equal protection of the laws as guaranteed by the 5th Amendment of the Constitution of the United States and the Supreme Court of Texas erred in not so holding, where the lower state district court in which the alleged conviction for contempt was had, upon the payment of a fee, licenses, authorizes and permits certain persons to violate a state penal statute for allegedly performing the same, identical acts for which the petitioner is alleged to have committed but which the record conclusively establishes he did not commit.

We hereby certify that the foregoing petition is presented in good faith and not for the purpose of delay or vexation, but is, in the opinion of counsel, well founded in law and proper to be filed herein.

Respectfully submitted,

Gabriel Hawkins Golden

GABRIEL HAWKINS GOLDEN,

Joel Manuel Hoppenstein

JOEL MANUEL HOPPENSTEIN,

Counsel for Petitioner.